

## **REMARKS**

Claims 3-12, 16 and 17 are all the claims pending in the application.

Initially, Applicants would like to thank Examiner Michael Yaary for the courtesies extended to Applicants' representative during the telephone interview conducted on October 14, 2008. During the interview, proposed changes to the claims were discussed in order to further distinguish the claims over the applied prior art references. Applicants note that the claim amendments presented herein are based on the proposed changes discussed during the interview.

### **I. Claim Rejections under 35 U.S.C. § 103(a)**

A. Claims 3-5, 10, 11, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard (U.S. 2002/0078244) in view of Nakashima et al. (U.S. 5,930,825) and Otsuka (U.S. 6,243,796).

Claim 3, as amended, recites that if said recovery unit determines that less than a predetermined number of the update procedures has been executed, the location information on the first recording medium is returned to a pre-update state by said recovery unit, the pre-update state being a state of the location information before the execution of the update procedures began, and wherein, if said recovery unit determines that more than the predetermined number of update procedures has been executed, the execution of the update procedures is resumed and concluded, such that the location information on the first recording medium is recovered to a post-update state, the post-update state being a state of the location information after the conclusion of the update procedures.

Applicants respectfully submit that Howard, Nakashima and Otsuka do not teach or suggest the above-noted combination of features recited in amended claim 3.

With respect to Howard, Applicants note that this reference discloses the ability to detect an update to a block within a file, wherein upon detecting such an update, the block is copied to a new block and the update is performed to the new block (see paragraph [0057]). In this regard, as explained in Howard, pointers within the file's inode structure may then be updated to point to the new block (see paragraphs [0057], [0060] and [0071]).

Based on the foregoing description, Applicants note that while Howard discloses a system having the ability to detect an update to a block within a file, and to copy the updated block to a new block and perform the update to the new block, that Howard does not disclose or suggest the above-noted features recited in amended claim 3 which indicate that if said recovery unit determines that less than a predetermined number of the update procedures has been executed, the location information on the first recording medium is returned to a pre-update state by said recovery unit, the pre-update state being a state of the location information before the execution of the update procedures began, and wherein, if said recovery unit determines that more than the predetermined number of update procedures has been executed, the execution of the update procedures is resumed and concluded, such that the location information on the first recording medium is recovered to a post-update state, the post-update state being a state of the location information after the conclusion of the update procedures.

Further, Applicants respectfully submit that Nakashima and Otsuka do not cure the above-noted deficiencies of Howard. Accordingly, Applicants respectfully submit that

amended claim 3 is patentable over the cited prior art, an indication of which is kindly requested. Regarding claims 4, 5, 10 and 11, Applicants note that these claims depend from claim 3 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 16 and 17, Applicants note that each of these claims has been amended in a similar manner as claim 3. In particular, regarding claims 16 and 17, Applicants note that each of these claims recites that if it is determined in said determining that less than a predetermined number of the update procedures has been executed, the location information on the first recording medium is returned to a pre-update state, the pre-update state being a state of the location information before the execution of the update procedures began, and wherein, if it is determined in said determining that more than the predetermined number of update procedures has been executed, the execution of the update procedures is resumed and concluded, such that the location information on the recording medium is recovered to a post-update state, the post-update state being a state of the location information after the conclusion of the update procedures.

For at least similar reasons as discussed above with respect to claim 3, Applicants respectfully submit that the cited prior art references do not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claims 16 and 17 are patentable over the cited prior art, an indication of which is kindly requested.

B. Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard in view Nakashima and Otsuka, and further in view of the Applicants' Admitted Prior Art.

Claims 6-9 depend from claim 3. Applicants respectfully submit that the Admitted Prior art does not cure the deficiencies of Howard, Nakashima and Otsuka, as discussed above, with respect to claim 3. Accordingly, Applicants submit that claims 6-9 are patentable over the cited prior art, an indication of which is kindly requested.

C. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard in view Nakashima and Otsuka, and further in view of Yoo (U.S. 2002/0059570).

Claim 12 depends from claim 3. Applicants respectfully submit that the Yoo does not cure the deficiencies of Howard, Nakashima and Otsuka, as discussed above, with respect to claim 3. Accordingly, Applicants submit that claim 12 is patentable over the cited prior art, an indication of which is kindly requested.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue that the Examiner feels may best be resolved by a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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